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May 12, 2015

Chip Weber
Acting Forest Supervisor
Superior National Forest
8901 Grand Avenue Place
Duluth, MN 55808

Attention: School Trust Land Exchange

Dear Supervisor Weber,

The following comments on the proposed School Trust Land Exchange come from Wilderness Watch, a national wilderness conservation organization focused on the protection of all units in the National Wilderness Preservation System, including the 1.1 million-acre Boundary Waters Canoe Area Wilderness (BWCAW). Wilderness Watch represents about 125,000 members and supporters across the nation.

On a personal note, I have been involved with BWCAW policies and conservation since 1974. I helped pass the 1978 BWCAW Act, P.L. 95-495, through Congress and have been continuously involved with matters dealing with the implementation of that law and in protecting the BWCAW since then. I have written extensively about the BWCAW over the years, including serving as the lead co-author of the 1995 book, *Troubled Waters: The Fight for the Boundary Waters Canoe Area Wilderness*. A new collection of my BWCAW wilderness essays, *Glimpses of Wilderness*, came out this year.

I have been heavily involved in the past with the issue of the school trust lands inside the BWCAW, including the effort in 1997 to start federal funding for a complete purchase using Land and Water Conservation Fund monies. That effort was unfortunately thwarted by Iron Range state legislators. Had they not blocked the purchase then, this issue would today have been long since resolved.

The proposed School Trust Land Exchange would exchange Superior National Forest lands *outside* the BWCAW for state school trust lands that lie *inside* the boundaries of the BWCAW. The proposal calls for exchanging federal lands of equal value from a pool of approximately 39,074 acres for approximately 30,000 acres of state school trust land inside the BWCAW (of the total 83,000 acres of school trust land inside the BWCAW). Lands transferred to the State of Minnesota would be managed as School Trust Lands for revenue generation for Minnesota's

Permanent School Fund.

Wilderness Watch believes that the administration and protection of the BWCAW will be enhanced by complete federal ownership of lands and minerals, but we strongly oppose the School Trust Land Exchange as proposed. Rather, Wilderness Watch strongly supports a purchase of all of the state-owned school trust lands and minerals by the federal government.

Our reasons include the following:

1. This proposal’s “hybrid” approach of utilizing both a land exchange and federal purchase – even if both components are fully completed – will still not solve the problem. A land exchange will still leave state-owned school trust minerals inside the BWCAW, and pressure will continue on into the future to satisfy the trust obligations and generate income for the Permanent School Fund.

The Minnesota Constitution prohibits the State of Minnesota from exchanging away state-owned minerals. Even if land exchanges were utilized to acquire the entire surface ownership of school trust lands, the school trust minerals inside the BWCAW underneath the surface estate will remain in state ownership and still will not generate income. The political and legal pressure to satisfy the trust obligations for those minerals will continue.

2. A federal purchase would acquire state-owned school trust minerals for the federal government. Through a “friendly” condemnation action, the federal government could acquire title to all the school trust mineral rights underneath the BWCAW, as well as acquire the surface ownership rights of the school trust lands.

A federal purchase would eliminate the possibility that northeastern Minnesota politicians who grandstand on this issue would continue to complain that the school trust minerals inside the BWCAW do not provide income to Minnesota’s Permanent School Fund. Without a federal purchase of all of the school trust lands and minerals, this issue will continue to fester.

3. A federal purchase would not dismantle federal ownership of the Superior National Forest outside the BWCAW, as an exchange would do. Outside the BWCAW, the Superior National Forest possesses areas of great significance for biological diversity, recreation, and other values. An exchange would significantly diminish the current federal land holdings outside the BWCAW, and transfer that ownership to the State of Minnesota.

The State of Minnesota, unfortunately, is not a strong steward of protecting public lands. In fact, the State is far more likely to develop these lands and thereby lose the values of recreation and biodiversity that they currently contain. One of the mandates of the Minnesota Department of Natural Resources, for example, is to promote mining.

The Minnesota Legislature is similarly pro-mining development. State Representative David Dill, for example, said in 2012 that “we should mine, log, and lease the hell out of [exchanged land]” (Minnesota Public Radio News, “Disagreement threatens to derail plan to swap school trust lands,” March 7, 2012). He reiterated that intention again this spring: “What are we

supposed to do, hold land so people can walk on it and see a partridge? No – we are going to cut the trees on it, and we should mine it,” he told *Business North*. (BusinessNorth.com, 30 Apr. 2015, “DNR and USFS move forward with proposed land exchange.”)

4. A federal purchase avoids entangling the Forest Service in the thorny problems associated with proposed copper-nickel sulfide mining on the Superior but outside of the BWCAW. Some of the advocates pushing for an exchange hope to convert federally-owned land outside the BWCAW to state ownership in order to promote new copper-nickel sulfide mining. These advocates think (and properly so) that state surface ownership will make it easier to begin these new mining ventures. The U.S. Forest Service should not be an accessory to this effort. At the very least, the Forest Service should thoroughly analyze the land exchange and its impacts on copper-nickel mining development outside the BWCAW through in-depth environmental review.

Furthermore, new mining development outside the BWCAW can have negative impacts on the wilderness character of the BWCAW inside the Wilderness. These impacts can include such things as increased noise from mining operations audible from within the BWCAW, acid mine drainage and heavy metal mobilization into the BWCAW from new mines outside the BWCAW, increased air particulates, etc. The Forest Service should properly analyze these impacts via in-depth environmental review.

5. The Forest Service has failed to advance any enabling conditions required before any federal purchase can occur. The agency has appeared to have sat on its hands for the past five years and done nothing to advance the purchase of any school trust lands or minerals inside the BWCAW. By its lack of action, it makes the public believe that the Forest Service is part of the cynical bait-and-switch tactic that other promoters of the hybrid approach have utilized; in other words, hybrid proponents promise both a purchase and an exchange, but only work on advancing the exchange portion.

The Forest Service should put in place the policy changes and authorizations needed to advance federal purchases of school trust lands and minerals via condemnation proceedings.

6. The Forest Service should conduct a full EIS of the proposed land exchange and its inter-connections with mining proposals on the Superior. The issues are so complex, and inter-related, that the Forest Service must conduct a full environmental impact statement (EIS) under the National Environmental Policy Act if this proposal moves forward. Only a full EIS will adequately examine a range of alternatives, and adequately analyze cumulative effects associated with the land exchange, state-owned mineral rights within the BWCAW, and proposed new mineral development outside the BWCAW on Superior National Forest.

For these reasons, please scrap the proposed land exchange project and embark instead on a federal purchase of the state-owned school trust lands and minerals within the BWCAW.

Please keep Wilderness Watch on your notification list for any further steps on this ill-advised project.

Sincerely,

Kevin Proescholdt

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